



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Infrastructure and Land Use Committee

Tuesday, January 11, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

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Miami, Florida 33128
305-375-4354

Miami-Dade County Board of County Commissioners
Office of the Commission Auditor
Legislative Analysis

A written analysis for the below item(s) are attached for your consideration. If you require further analysis of these or any other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

Item 3(A)

ORDINANCE RELATING TO ZONING; MODIFYING COUNTY COMMISSION VOTE REQUIREMENT ON CERTAIN CZAB DECISIONS

Item 3(B)

ORDINANCE PERTAINING TO IMPACT FEES

Acknowledgements:

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LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO ZONING; MODIFYING COUNTY COMMISSION VOTE REQUIREMENT ON CERTAIN CZAB DECISIONS

Department of Planning & Zoning

I. SUMMARY

This ordinance amends Section 33-313 (Appeals to Board of County Commissioners). This Ordinance will allow the Board of County Commissioners (BCC) to either affirm, modify, or reverse the Community Zoning Appeals Board (CZAB) with a vote of the majority of members present.

II. PRESENT SITUATION

- Any appealable decision of the CZAB may be appealed by an applicant, governing body of any municipality, if affected, or any aggrieved party, including neighborhood, community association and civic association.
- By resolution the BCC may either affirm, modify, or reverse the CZAB.
- The current ordinance allows the BCC to meet with seven (7) members and a majority vote of four (4) or more may determine the ruling of CZAB appellate items regarding *amendments and modifications*.
*(The majority of the Board of County Commission members present)
- The current ordinance provides that the BCC must have 2/3 of the BCC members as a whole (at least nine (9) members) to determine the *reversal* of a CZAB appellate item.
*(2/3 of the Board of County Commission members as a whole)

III. POLICY IMPLICATIONS

- This legislation has been proposed due to deferring applications a number of times as a result of the inability to meet quorum for voting on appellate items.
- This ordinance will allow the Board to meet with seven (7) members and a majority vote of four (4) or more may determine the ruling of CZAB appellate items whether it is modifications, amendments, or reversals.
*(The majority of the Board of County Commission members present)
- This ordinance will provide the opportunity for the BCC to vote and make rulings on CZAB appellate items moving their agenda in a more efficient manner.

IV. ECONOMIC IMPACT
N/A

V. COMMENTS

**Additional questions and answers summarized from discussions with the Department of Planning and Zoning are provided below.

1. How many items were deferred due to there not being enough BCC members present to vote (going back to January 2004)?

A total of 10 applications have been deferred 16 times since January 2004 because the BCC was unable to meet quorum.

2. When were CZAB established?

CZABs were established by ordinance in 1996. However, the first CZAB meeting was for CZAB-3 on 5/8/97.

3. How many CZABs do we currently have in the County?

There are currently 10 CZABs established (Boards 2, 5, 7, 8, 10, 11, 12, 14, 15, & 16).

4. Do you believe this item may dilute the power, importance, or morale the Constituents currently find with the CZABs?

The morale, significance, etc. of the Community Councils (CC) and the citizens should not be considered "diluted" by this proposal. A Community Council's decision would remain as a significant component of the zoning hearing process and will be taken into consideration by the BCC during their deliberations on a case. Furthermore, please note that any application coming before the BCC on appeal is considered "de novo" and the BCC may hear added testimony or different testimony that is meaningful in their decision-making process. The BCC (as well as the Community Councils) are charged with making all such decisions based on substantial competent evidence.

Additionally, the change in the regulations relating to the number of affirmative votes required may also be considered by applicants and the public alike as a "streamlining" of the process. Currently when 9 members of the BCC are not present to hear a case, the case will be deferred. There have been instances when a case is deferred several times until there are 9 members of the BCC present. Such instances cause considerable delays in the land use process for the applicants and

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considerable inconvenience to the general public who must travel downtown and typically wait through long agendas until their item of interest is called. Public confidence directly correlates with efficient processes.

LEGISLATIVE ANALYSIS

ORDINANCE PERTAINING TO IMPACT FEES

Department of Planning & Zoning

I. SUMMARY

This ordinance pertaining to impact fees will amend Section 8-11 of the Code of Miami-Dade County, Florida to provide for determination of Impact Fees as of the date of commencement of construction of certain buildings and structures built without permits or with expired permits.

II. PRESENT SITUATION

- On June 1st, 1989, Miami-Dade County began collecting Impact Fees from Construction and Development Companies for Roads. Since then the County went on to begin collecting impact fees for:
 - Fire and Emergency Services;
 - Police Services;
 - Parks, and
 - Education Services.
- Currently, fees are paid as a pre-development cost to assist with funding additional expenses for the services provided for new development.
- The fees collected by the County attempts to alleviate and offset the monetary impact of these new expenses that would be placed solely on the constituents of the County.
- Impact fees are required to be paid prior to the issuance of any permit to build a project.
- The Department of Planning and Zoning identifies impact fees that should be paid for a particular project and they attempt to retrieve the fees from the respective companies.
- There is currently an Amnesty Ordinance that allows permits to be given to companies after the commencement of a construction project, if the permit was not initially required before the fact.

III. POLICY IMPLICATIONS

- This ordinance provides legislation expressing that the determination of impact fees placed on developers shall be established by the date of commencement of

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construction of certain buildings and structures built without permits or with expired permits.

- Construction and Development companies will only be responsible for paying Impact Fees that were required at the commencement of that particular project.
- DP&Z will not be able to go after impact fees that were not required when construction was initiated.
- Eligible applicants must come forth and prove their date of building commencement to reap the benefits of this ordinance.

IV. ECONOMIC IMPACT

It has been expressed that there may be a negative fiscal impact because the County may not pursue certain development impact fees. However, it will be difficult to determine the fiscal impact due to the uncertain amount of applicants eligible to take advantage of the program.

V. COMMENTS

DATE (S) IMPACT FEES WERE ESTABLISHED

1. JUNE 1, 1989-----ROADS

2. MARCH 30, 1990-----FIRE & EMERGENCY SERVICES

3. APRIL 30, 1990-----POLICE SERVICES

4. JUNE 19, 1990-----PARKS

OCTOBER 1, 1995-----EDUCATION SERVICES (SCHOOLS)

(Attachment: Impact Fee Rate Schedule)

MIAMI-DADE COUNTY IMPACT FEE RATE SCHEDULE - Effective October 1, 1995

LAND USE	ROAD W 77 AVE	ROAD E 77 AVE	FIRE	POLICE	SCHOOL	PARKS DIST 1 N SW 8 ST	PARKS DIST 2 Middle	PARKS DIST 3 S SW 184 ST	UNITS
Port and Terminal									sq. ft.
Truck Terminals	\$1.55	\$1.477	\$0.1664	\$0.147					sq. ft.
Industrial									sq. ft.
Industrial Park	\$1.096	\$1.044	\$0.1664	\$0.147					sq. ft.
Manufacturing	\$0.605	\$0.577	\$0.1664	\$0.147					sq. ft.
Warehousing	\$0.767	\$0.731	\$0.1664	\$0.147					sq. ft.
Mini-Warehouse	\$0.41	\$0.391	\$0.1664	\$0.147					sq. ft.
Residential									unit
Single Family Detached	\$1,307	\$1,242	\$176.73	\$101.29	\$612.00	\$1,453.40	\$1,222.28	\$842.80	unit
Total road, fire, police, park & school W. 77 Ave.						\$3,650.42	\$3,419.30	\$3,039.82	
E. 77 Ave.						\$3,585.42	\$3,354.30	\$2,974.82	
plus (max. 3,800 sq. ft. per unit)					\$0.918				sq. ft.
Apartment (Rentals)	\$983	\$936	\$187.39	\$101.29	\$612.00	\$741.75	\$725.63	\$540.73	unit
Total road, fire, police, park & school W. 77 Ave.						\$2,625.43	\$2,609.31	\$2,424.41	
E. 77 Ave.						\$2,578.43	\$2,562.31	\$2,377.41	
plus (max. 3,800 sq. ft. per unit)					\$0.918				unit
Condominium	\$921	\$877	\$187.39	\$101.29	\$612.00	\$741.75	\$725.63	\$540.73	unit
Total road, fire, police, park & school W. 77 Ave.						\$2,563.43	\$2,547.31	\$2,362.41	
E. 77 Ave.						\$2,519.43	\$2,503.31	\$2,318.41	
plus (max. 3,800 sq. ft. per unit)					\$0.918				sq. ft.
Townhouse	\$921	\$877	\$187.39	\$101.29	\$612.00	\$1,247.01	\$998.68	\$785.83	unit
Total road, fire, police, park & school W. 77 Ave.						\$3,068.69	\$2,820.36	\$2,607.51	
E. 77 Ave.						\$3,024.69	\$2,776.36	\$2,563.51	
plus (max. 3,800 sq. ft. per unit)					\$0.918				sq. ft.
Mobile Home	\$756	\$720	\$176.73	\$101.29	\$612.00	\$1,453.40	\$1,222.28	\$842.80	unit
Total road, fire, police, park & school W. 77 Ave.						\$3,099.42	\$2,858.30	\$2,488.82	
E. 77 Ave.						\$3,063.42	\$2,832.30	\$2,452.82	
plus (max. 3,800 sq. ft. per unit)					\$0.918				sq. ft.
Lodging									room/sq. ft.
Hotel	\$1,094	\$1,042	\$0.3848	\$0.147					room/sq. ft.
Motel	\$1,281	\$1,220	\$0.3848	\$0.147					room/sq. ft.
Recreational									barth/sq. ft.
Martina	\$465	\$443	\$0.2912	\$0.147					hole/sq. ft.
Golf Course	\$5,910	\$5,631	\$0.2912	\$0.147					Court/sq. ft.
Racquet Club	\$6,745	\$6,427	\$0.2912	\$0.147					St. Sta./sq. ft.
Institutional									St. Sta./sq. ft.
Elementary School	\$31	\$30	\$0.2912	\$0.147					St. Sta./sq. ft.
High School	\$127	\$121	\$0.2912	\$0.147					St. Sta./sq. ft.
Jr./Community College	\$209	\$199	\$0.2912	\$0.147					St. Sta./sq. ft.
University	\$373	\$355	\$0.2912	\$0.147					St. Sta./sq. ft.
Church/Synagogue	\$0.857	\$0.817	\$0.2912	\$0.147					sq. ft.
Day Care Center	\$1.138	\$1.085	\$0.2912	\$0.147					sq. ft.
Medical									sq. ft.
Hospital	\$1.543	\$1.470	\$0.3848	\$0.147					bed/sq. ft.
Nursing Home	\$239	\$228	\$0.3848	\$0.147					bed/sq. ft.
Office									sq. ft.
General Office Building									sq. ft.
1 - 50,000	\$2.607	\$2.484	\$0.2392	\$0.147					sq. ft.
50,001 - 100,000	\$2.206	\$2.102	\$0.2392	\$0.147					sq. ft.
100,001 - 200,000	\$1.863	\$1.775	\$0.2392	\$0.147					sq. ft.
200,001 - 300,000	\$1.693	\$1.614	\$0.2392	\$0.147					sq. ft.
300,001 - 400,000	\$1.566	\$1.492	\$0.2392	\$0.147					sq. ft.
400,001 - 500,000	\$1.486	\$1.416	\$0.2392	\$0.147					sq. ft.
500,001 - 600,000	\$1.423	\$1.356	\$0.2392	\$0.147					sq. ft.
600,001 - 700,000	\$1.376	\$1.311	\$0.2392	\$0.147					sq. ft.
700,001 - more	\$1.33	\$1.268	\$0.2392	\$0.147					sq. ft.
Medical Office Building	\$3.142	\$2.994	\$0.2392	\$0.147					sq. ft.
Research Center	\$1.211	\$1.154	\$0.2392	\$0.147					sq. ft.
Business Park	\$2.259	\$2.153	\$0.2392	\$0.147					sq. ft.
Retail									sq. ft.
1 - 10,000	\$2.408	\$2.294	\$0.2912	\$0.147					sq. ft.
10,001 - 50,000	\$1.317	\$1.255	\$0.2912	\$0.147					sq. ft.
50,001 - 100,000	\$1.015	\$0.967	\$0.2912	\$0.147					sq. ft.
100,001 - 200,000	\$2.606	\$2.483	\$0.2912	\$0.147					sq. ft.
200,001 - 300,000	\$2.357	\$2.256	\$0.2912	\$0.147					sq. ft.
300,001 - 400,000	\$3.766	\$3.589	\$0.2912	\$0.147					sq. ft.
400,001 - 500,000	\$3.585	\$3.417	\$0.2912	\$0.147					sq. ft.
500,001 - 600,000	\$3.486	\$3.322	\$0.2912	\$0.147					sq. ft.
600,001 - 800,000	\$3.409	\$3.249	\$0.2912	\$0.147					sq. ft.
800,001 - 1,000,000	\$3.431	\$3.269	\$0.2912	\$0.147					sq. ft.
1,000,001 - 1,200,000	\$3.474	\$3.311	\$0.2912	\$0.147					sq. ft.
1,200,001 - more	\$3.374	\$3.215	\$0.2912	\$0.147					sq. ft.
Services									sq. ft.
Nursery Garden	\$2.02	\$1.925	\$0.2912	\$0.147					sq. ft.
Quality Restaurant	\$11.38	\$10.845	\$0.2912	\$0.147					sq. ft.
High Turnover Restaurant	\$9.441	\$8.996	\$0.2912	\$0.147					sq. ft.
Fast Food Restaurant	\$9.081	\$8.654	\$0.2912	\$0.147					sq. ft.
Car Sales	\$5.649	\$5.384	\$0.2912	\$0.147					sq. ft.
Service Stations	\$2.103	\$2.004	\$0.2912	\$0.147					Pump/sq. ft.
Convenience Retail	\$10.602	\$10.103	\$0.2912	\$0.147					sq. ft.

Bank (Walk-in)	\$2.02	\$1.925	\$0.2392	\$0.147
Bank (Drive-in)	\$3.81	\$3.631	\$0.2392	\$0.147

sq. ft.
sq. ft.